

United States District Court
District of Minnesota

United States Of America,

Plaintiff,

v.

Case No. 21-cr-173-1-WMW-DTS

Anton Joseph Lazzaro,

Defendant.

Defendant's Unopposed Motion To Extend Disclosure Deadline

Defendant Anton Lazzaro ("Mr. Lazzaro") submits this Defendant's Unopposed Motion To Extend Disclosure Deadline for the Court's consideration. Mr. Lazzaro's current deadline is September 7, 2021, to provide defense disclosures required by Fed. R. Crim. P. 16(b). (Arraignment Order, ECF No. 34 at 2). Mr. Lazzaro is seeking a 30-day extension of time until to provide any disclosures required under Fed. R. Crim. P. 16(b) October 7, 2021. The Government is not opposed to this requested continuance.

Following a contested hearing, Mr. Lazzaro was ordered detained in this matter pending trial on August 24, 2021. (*See* Order for Detention, ECF No. 28). The court provided the parties with certain deadlines, including Rule 16 disclosures, orally and later detailed by written order. (ECF No. 34).

The Government's Rule 16 disclosures were due no later than August 31, 2021. Mr. Lazzaro has not received any discovery to date as a result of the parties working

diligently towards a mutually agreeable protective order in this matter. The Government has indicated that certain items will be made available for in-person inspection by defense counsel. However, without the benefit of any discovery (including disclosures from the Government) Mr. Lazzaro is unable to comply with the Court's order regarding defense disclosures under Rule 16 at this time.

Further, Mr. Lazzaro's co-defendant, _____, was also indicted on many of the same charges in this case. (*See* Indictment). Upon information and belief, this person is currently in the custody of the Government. Upon information and belief, this person is still in the process of being transported from the judicial district where she was apprehended to this district for her initial detention hearing. These matters will likely be tried together to a jury and the Court should set simultaneous deadlines for both defendants to preserve judicial resources.²

The requested 30-day extension of time will not unduly delay these proceedings. Mr. Lazzaro asks that the Court extend his deadline to provide Rule 16 disclosures until October 7, 2021, for good cause shown.

[Remainder of Page Left Blank Intentionally]

¹ The name of Mr. Lazzaro's co-defendant is redacted here out of an abundance of caution. The Government has filed a motion to unseal the indictment for both defendants but that motion appears to still be pending at this time.

² Although a motion for continuance of all other pre-trial deadlines is forthcoming, Mr. Lazzaro is filing this separate motion to extend due to the current deadline today for Rule 16 disclosures.

Respectfully submitted,

/s/ Zachary L. Newland
Zachary Lee Newland
Senior Litigation Counsel
Jeremy Gordon P.L.L.C.
P.O. Box 2275
Mansfield, Texas 76063
Tel: (972) 483-4865
Fax: (972) 584-9230
E-mail: zach@gordondefense.com
Texas Bar: 24088967
<https://gordondefense.com>

Lead Counsel for Anton Lazzaro

CERTIFICATE OF CONFERENCE

I hereby certify that prior to filing this motion I conferred with Assistant U.S. Attorneys Angela Munoz and Laura Provinzino via electronic mail on September 7, 2021. I was informed that the Government is unopposed to the extension of time sought by Mr. Lazzaro.

/s/ Zachary L. Newland
Zachary L. Newland

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was duly filed and served upon counsel of record, via the Court's CM/ECF system, this 7th day of September 2021.

/s/ Zachary L. Newland
Zachary L. Newland